

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KENNETH L. HOLLAND,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 05-464-SLR
)	
STANLEY TAYLOR, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY

Defendants, by the undersigned counsel, hereby move to extend the time to complete discovery, and in support thereof state as follows:

1. Pursuant to this Court's Order dated April 25, 2006, the discovery deadline in this case was August 25, 2006. [D.I. 36].
2. On October 23, 2006, Plaintiff moved to amend the Complaint to remove Defendants Bill Etto, Helen Moore and Steven Devine as defendants. [D.I. 50]. Plaintiff also sought to add Kent Raymond, Wilbur Justice and Theresa Demarco¹ as defendants. Plaintiff's Motion to Amend was unopposed.
3. On November 27, 2006, Defendants moved for summary judgment. [D.I. 52, 53]. Briefing was completed on January 12, 2007, and Defendants' Motion is currently pending before this Court.
4. On July 26, 2007, this Court granted Plaintiff's Motion to Amend. [D.I. 59].
5. Defendants request the opportunity to conduct brief discovery regarding Plaintiff's claims against Kent Raymond, Wilbur Justice and Theresa Demarco. Defendants also request

¹ Submission of this Motion does not constitute waiver of any defenses available to Raymond, Justice and Demarco.

leave of the Court to file an amended summary judgment motion to address the claims presented in the Amended Complaint.

6. Because there is no trial date set in this matter, the relief sought will not adversely impact the progress of this action.

WHEREFORE, Defendants respectfully request that this Court grant their Motion for Extension of Time to Complete Discovery.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly
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Attorney for Defendants

Dated: July 31, 2007

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FOR THE DISTRICT OF DELAWARE**

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Defendants.)	

7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. Plaintiff Kenneth L. Holland is currently incarcerated and it is not practical for undersigned counsel to communicate with him concerning Defendants' Motion for Extension of Time to Complete Discovery.
2. Therefore, undersigned counsel assumes that the Motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly

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ORDER

IT IS SO ORDERED, this _____ day of _____, 2007, that Defendants' Motion for Extension of Time to Complete Discovery is hereby **GRANTED**, and

1. The discovery deadline is extended to _____; and
2. Motions for Summary Judgment, with Opening Briefs, are due _____, with Answering Briefs due _____ and Reply Briefs due _____.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2007, I electronically filed *Defendants' Motion for Extension of Time to Complete Discovery* with the Clerk of Court using CM/ECF. I hereby certify that on July 31, 2007, I have mailed by United States Postal Service, the document to the following non-registered party: Kenneth L. Holland.

/s/ Eileen Kelly
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